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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF MARK MAO IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO SET
HEARING DATE**

Judge: Hon. Yvonne Gonzalez Rogers

DECLARATION OF MARK MAO

1
2 1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs
3 in this matter. I am an attorney at law duly licensed to practice before all courts of the State of
4 California. I have personal knowledge of the matters set forth herein and am competent to testify.

5 2. I submit this declaration in support of Plaintiffs' Administrative Motion to Set
6 Hearing Date.

7 3. The parties discussed briefing schedules and hearing dates during the week of
8 August 15. Plaintiffs informed Google of their intention to file one *Daubert* motion, and (to
9 accommodate Google) proposed a briefing schedule that would (1) give Google additional time
10 for its opposition (on top of the standard two weeks), (2) give Plaintiffs only four days for their
11 reply brief (less than the standard one week), and (3) ensure the motion was fully briefed by
12 September 13, one week prior to the currently scheduled September 20 hearing. Google's counsel
13 at no point during those discussions informed Plaintiffs of any availability issues with respect to
14 the scheduled September 20 hearing or any other potential hearing date. Ultimately, the parties did
15 not reach any stipulated agreement.

16 4. During the August 26 hearing before this Court in the related *Calhoun v. Google*
17 matter, Google (represented by the same counsel team) asked the Court about the class certification
18 hearing in this case, and told the Court that it is unavailable on both September 27 and October 4.
19 After two weeks of meeting and conferring, this was the first time that Google's counsel stated
20 that they were unavailable on either of those days.

21 5. Following the *Calhoun* hearing, consistent with the Court's instruction to try to
22 reach an agreed upon date, Plaintiffs asked Google whether it can be available for the hearing in
23 this case on Friday, September 23, or Friday, September 30. Google declined, claiming that it is
24 unavailable on either of those days.

25 6. I understand that Google will oppose this administrative motion. Google will likely
26 ask that the hearing be scheduled for October 11 or October 25.
27
28

8. Attached hereto as **Exhibit 2** is a true and correct copy of a draft scheduling stipulation that counsel for Google sent Plaintiffs on August 25, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 29th day of August, 2022, at San Francisco, California.

/s/ Mark Mao